

## **REMARKS**

### **A. INTRODUCTION**

Claims 1-47 were pending and subject to restriction / election requirement.

Upon entry of this Amendment:

- Claims 1-19, 23, 27-46 and 48-51 will be pending
- Claims 20-22 and 24-26 will be cancelled
- Claims 48-51 will be added

### **B. INVENTION I IS ELECTED**

Applicants elect the invention designated as “Invention I” with traverse. Applicants respectfully request that the Examiner reconsider the restriction requirement for the reasons outlined below.

Applicants suggest an alternative grouping of claims for restriction: Claims 23 and 27-30 and new Claims 48-51 could also be examined together with Claims 1-19 and 31-46 without serious burden to the Examiner.

### **C. ELECTION / RESTRICTION REQUIREMENT**

Applicants respectfully traverse the restriction requirement and suggest an alternative.

Applicants suggest that Claims 27-30 (“Invention VII”) should be examined with Invention I, and without serious burden to the Examiner. Claim 1 includes all of the limitations of Claim 27:

receiving a purchase that includes at least one item;

determining an upsell based on the at least one item;

determining a rounded price for the at least one item and the upsell; and

providing an offer to exchange the at least one item and the upsell for the rounded price.

Accordingly, contrary to the Examiner’s suggestion, the claims do overlap in scope. In fact, the description of Invention VII (“drawn to providing an offer to exchange an item and upsell for rounded price”) accurately describes Claim 1 as well. The Examiner has further indicated that each set of claims is classified in the same class/subclass.

Applicants have added new dependent Claims 48-51. No new matter has been added. Each of the new claims depends from Claim 27, and Applicants do not believe it would be a serious burden to examine Claims 48-51.

Applicants also suggest that Claim 23 (“Invention IV”) should be examined with Invention I, and without serious burden to the Examiner. [Applicants respectfully note that Claim 23 includes a step of causing the upsell to be offered to the customer in conjunction with the at least one purchased item in exchange for the amount tendered, which is somewhat different than the description of “Invention IV” provided by the Examiner]. Claim 23 is similar to Claim 1 to the extent that an amount tendered could be a rounded price (e.g., \$10). Although Claims 23 and 1 do not overlap in scope and are directed to different embodiments, Applicants do not believe that it would be a serious additional burden to the Examiner to examine Claim 23. The Examiner has further indicated that Claim 23 is also classified in the same class/subclass.

In conclusion, Applicants respectfully suggest that the restriction requirement be modified to provide for examination of all of Claims 1-19, 23, 27-46, and 48-51 and submit that examining such additional claims would not provide serious burden to the Examiner.

**D. PETITION FOR EXTENSION OF TIME TO RESPOND & AUTHORIZATION TO CHARGE APPROPRIATE FEES**

We do not believe that any fees are necessary for this response.

Please grant a petition for any extension of time required to make this Response timely.

Deposit Account: 50-0271

Order No.: 01-023

Please charge any appropriate fees set forth in §§ 1.16 – 1.18 for this paper and for any accompanying papers to Deposit Account 50-0271. Please credit any overpayment to the same account.

**E. CONCLUSION**

It is submitted that all of the claims are in condition for allowance. The Examiner's early re-examination and reconsideration are respectfully requested.

If the Examiner has any questions regarding this amendment or the present application, the Examiner is cordially requested to contact Michael Downs at telephone number (203) 461-7292 or via electronic mail at [mtdowns@walkerdigital.com](mailto:mtdowns@walkerdigital.com).

Respectfully submitted,

September 28, 2006  
Date

/Michael Downs 50252/  
Michael Downs  
Attorney for Applicants  
Registration No. 50,252  
[mtdowns@walkerdigital.com](mailto:mtdowns@walkerdigital.com)  
(203) 461-7292 /voice  
(203) 461-7300 /fax